

# PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 5 December 2006

## **Chair:**

Councillor Graham Scott

## **Councillors Present:**

David Baillie, Archie Buchanan, Pam Clearie, Gerry Convery, Jim Docherty, Allan Falconer, Tommy Gilligan, Billy McCaig, John McGuinness, Denis McKenna (Depute), Mary McNeill, Brian Reilly, Bob Rooney, Hamish Stewart, Chris Thompson, Jim Wardhaugh

## **Councillor Also Present**

Graeme Horne

## **Councillors' Apologies:**

Tony Carlin, Sam Casserly, Cathie Condie, Jim Daisley, Alan Dick, Gerry Docherty, Ian Gray, James Handibode, Stan Hogarth, Carol Hughes, James Malloy, Edward McAvoy, Michael McCann, Alex McInnes, Ian McInnes

## **Attending:**

### **Corporate Resources**

L Carstairs, Public Relations Officer; P MacRae, Administration Officer

### **Enterprise Resources**

S Ferrie, Area Manager, Planning and Building Standards Services (Clydesdale); F Jack, Engineering Officer; M Little, Operations and Area Manager, Planning and Building Standards Services (Hamilton); C McDowall, Head of Planning and Building Standards Services; C Park, Assistant Engineering Manager

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## **1 Declaration of Interests**

No interests were declared.

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## **2 Minutes of Previous Meeting**

The minutes of the meeting of the Planning Committee held on 21 November 2006 were submitted for approval as a correct record.

**The Committee decided:** that the minutes be approved as a correct record.

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## **3 Application HM/06/0531 - Residential Development (68 Units) (Social Housing) at Westerpark Avenue, Hamilton**

A report dated 27 November 2006 by the Executive Director (Enterprise Resources) was submitted on planning application HM/06/0531 by West of Scotland Housing Association for a residential development (68 units) (Social Housing) at Westerpark Avenue, Hamilton.

Because of the level of public interest in the proposed development, the opportunity of a hearing had been offered to the objectors to the proposal and the applicant.

The Committee heard:-

- ♦ J Paton, E Taggart and S Rae on behalf of the applicant
- ♦ J Duncan on behalf of objectors to the proposal

The Committee also heard Councillor Horne, the local member.

Points raised in a late letter of objection from Mr and Mrs Moulden were referred to at the meeting and addressed by officers.

The application had been assessed against the relevant policies and criteria contained in the Adopted Hamilton District Local Plan, the South Lanarkshire Local Plan (Finalised) and government advice/policy. Details of the assessment were provided in the report. It was considered that the application was consistent with the terms of those documents.

**The Committee decided:** that planning application HM/06/0531 by West of Scotland Housing Association for a residential development (68 units) (Social Housing) at Westerpark Avenue, Hamilton be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 20 March 2001 (Paragraph 4)]*

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#### **4 Application CL/06/0720 - Erection of Swimming Pool and Fitness Complex, Associated Roadworks and Landscaping (Notice of Intention to Develop) at Land to South of Yvetot Avenue (Thomas Taylor Avenue), Lanark**

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A report dated 27 November 2006 by the Executive Director (Enterprise Resources) was submitted on application CL/06/0720 by South Lanarkshire Council for erection of a swimming pool and fitness complex, associated roadworks and landscaping (Notice of Intention to Develop) at land to the south of Yvetot Avenue (Thomas Taylor Avenue), Lanark.

Because the development constituted Development Contrary to the Development Plan, the opportunity of a hearing had been offered to the objectors to the proposal and the applicant. The objectors had declined the opportunity of a hearing and, therefore, there was no requirement to hear the applicant.

The application had been assessed against the relevant policies and criteria contained in the Adopted Lower Clydesdale Local Plan, the South Lanarkshire Local Plan (Finalised) and government advice/policy. Details of the assessment were provided in the report.

In the view of the Executive Director (Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ◆ the majority of the application site was not zoned as open space in the South Lanarkshire Local Plan (Finalised) but as Policy RES 6 (Residential Land Use). It was considered that the proposal complied with this policy
- ◆ the proposal would result in the provision of a new, modern facility consisting of a swimming pool and fitness facilities replacing the existing 40 year old facility and would benefit the local community
- ◆ the proposal complied with the detailed development, management and design policies contained in the adopted and finalised draft local plans
- ◆ the proposal was of a high quality, modern design and used materials which related well to the adjacent Dale Centre currently under construction
- ◆ the proposal would be physically linked to the new Dale Centre and would form a integrated service with this facility
- ◆ the proposal would introduce football team changing facilities to support the use of the existing adjacent football pitch, to Sportscotland's standards, with direct access to the pitch

**The Committee decided:** that a Notice of Intention to Develop be issued for the erection of a swimming pool and fitness complex, associated roadworks and landscaping (application

reference CL/06/0720) at land to the south of Yvetot Avenue (Thomas Taylor Avenue) Lanark subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ referral of the application to the Scottish Ministers as the proposed development did not accord with the Adopted Local Plan and the Council had an interest in the land

*[Reference: Minutes of 7 December 2004 (Paragraph 15)]*

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## **5 Application HM/06/0670 - Change of Use of Vacant Premises (Previous Class 1 Use) to Class 2 (Estate Agent) at 71/73 Cadzow Street, Hamilton**

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A report dated 16 November 2006 by the Executive Director (Enterprise Resources) was submitted on planning application HM/06/0670 by Allan and Harris Estate Agents for the change of use of vacant premises (previous Class 1 use) to Class 2 (Estate Agent) at 71/73 Cadzow Street, Hamilton. The application had been advertised as Development Potentially Contrary to the Development Plan, however, no objections had been received.

The application had been assessed against the relevant policies and criteria contained in the Adopted Hamilton District Local Plan and the South Lanarkshire Local Plan (Finalised). Details of the assessment were provided in the report.

In the view of the Executive Director (Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ◆ the unit had been unsuccessfully marketed for a Class 1 use and it would, therefore, appear that the market would not support a retail use at this location
- ◆ in terms of maintaining the viability and vitality of the town centre, it was considered that the introduction of an Estate Agent (Class 2) would be preferable to a vacant unit
- ◆ the proposal raised no amenity or other policy issues

**The Committee decided:** that planning application HM/06/0670 by Allan and Harris Estate Agents for the change of use of vacant premises (previous Class 1 use) to Class 2 (Estate Agent) at 71/73 Cadzow Street, Hamilton be granted subject to the conditions specified in the Executive Director's report.

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## **6 Application HM/06/0711 - Change of Use from Class 1 (Retail) to Class 2 (Mortgage Broker) at 49 Cadzow Street, Hamilton**

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A report dated 21 November 2006 by the Executive Director (Enterprise Resources) was submitted on planning application HM/06/0711 by M McAlister for the change of use from Class 1 (Retail) to Class 2 (Mortgage Broker) at 49 Cadzow Street, Hamilton. The application had been advertised as Development Potentially Contrary to the Development Plan, however, no objections had been received.

The application had been assessed against the relevant policies and criteria contained in the Adopted Hamilton District Local Plan and the South Lanarkshire Local Plan (Finalised). Details of the assessment were provided in the report.

In the view of the Executive Director (Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ◆ the unit had been unsuccessfully marketed for a Class 1 use and it would, therefore, appear that the market would not support a retail use at this location
- ◆ in terms of maintaining the viability and vitality of the town centre, it was considered that the introduction of a Mortgage Broker (Class 2) would be preferable to a vacant unit
- ◆ the proposal raised no amenity or other policy issues

**The Committee decided:** that planning application HM/06/0711 by M McAlister for the change of use from Class 1 (Retail) to Class 2 (Mortgage Broker) be granted subject to the conditions specified in the Executive Director's report.

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## **7 Application CL/06/0762 - Change of Use from Class 1 (Retail) to Class 2 (Financial, Professional and Other Services) at 47 High Street, Lanark**

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A report dated 15 November 2006 by the Executive Director (Enterprise Resources) was submitted on planning application CL/06/0762 by Cheque Centre Properties Limited for the change of use from Class 1 (Retail) to Class 2 (Financial, Professional and Other Services) at 47 High Street, Lanark. The application had been advertised as Development Potentially Contrary to the Development Plan, however, no objections had been received.

The application had been assessed against the relevant policies and criteria contained in the Adopted Lower Clydesdale Local Plan, the South Lanarkshire Local Plan (Finalised) and government advice/policy. Details of the assessment were provided in the report.

In the view of the Executive Director (Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ◆ the proposal would bring back into use a vacant unit within a prominent location in Lanark town centre
- ◆ the proposal would extend the range of facilities and the vitality of the town centre
- ◆ the proposal accorded with the provisions of a National Planning Policy Guidance (NPPG) 8
- ◆ there would be no adverse impact on the amenity or character of the area
- ◆ the applicant had adequately demonstrated that the property had been unsuccessfully marketed for an appropriate period of time

**The Committee decided:** that planning application CL/06/0762 by Cheque Centre Properties Limited for the change of use from Class 1 (Retail) to Class 2 (Financial, Professional and Other Services) be granted subject to the conditions specified in the Executive Director's report.

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## **8 Application CL/06/0639 - Erection of 17 Houses, Associated Car Parking, Landscaping and Access Improvements at 65 Glenafeoch Road, Carluke**

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A report dated 17 November 2006 by the Executive Director (Enterprise Resources) was submitted on planning application CL/06/0639 by Bield Housing Association Limited for the erection of 17 houses, associated car parking, landscaping and access improvements at 65 Glenafeoch Road, Carluke.

**The Committee decided:** that planning application CL/06/0639 by Bield Housing Association Limited for the erection of 17 houses, associated car parking, landscaping and access improvements at 65 Glenafeoch Road, Carluke be granted subject to the conditions specified in the Executive Director's report.

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**9 Application HM/05/0312 - Erection of 30 Flats, 38 Houses and Formation of Park and Ride Facility for New Train Station at Carlisle Road, Ferniegair, Hamilton**

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A report dated 27 November 2006 by the Executive Director (Enterprise Resources) was submitted on planning application HM/05/0312 by Persimmon Homes West Scotland for the erection of 30 flats, 38 houses and the formation of a park and ride facility for the new train station at Carlisle Road, Ferniegair, Hamilton.

**The Committee decided:** that planning application HM/05/0312 by Persimmon Homes West Scotland for the erection of 30 flats, 38 houses and the formation of a park and ride facility for the new train station at Carlisle Road, Ferniegair, Hamilton be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ prior conclusion of the Section 75 Agreement for the park and ride facility which was the subject of planning consent HM/03/0676

*[Reference: Minutes of 1 March 2005 (Paragraph 7)]*

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**10 Application EK/05/0617 - Continued Extraction of Peat at Cladance Moss, Chapelton, Strathaven**

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A report dated 27 November 2006 by the Executive Director (Enterprise Resources) was submitted on planning application EK/05/0617 by William Sinclair Horticulture for the continued extraction of peat at Cladance Moss, Chapelton, Strathaven.

**The Committee decided:** that planning application EK/05/0617 by William Sinclair Horticulture for the continued extraction of peat at Cladance Moss, Chapelton, Strathaven be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ prior conclusion of a Section 75 Agreement to secure a Restoration Guarantee Bond to cover the full costs of restoring the site with the applicant being responsible for meeting the Council's reasonably incurred legal fees in respect of the Agreement

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**11 Application CL/06/0133 - Continuation of the Winning and Working of Sand and Gravel at Mousewater Sand and Gravel Pit, Cleghorn, by Lanark**

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A report dated 27 November 2006 by the Executive Director (Enterprise Resources) was submitted on planning application CL/06/0133 by Barr Limited for the continuation of the winning and working of sand and gravel at Mousewater Sand and Gravel Pit, Cleghorn, by Lanark.

**The Committee decided:** that planning application CL/06/0133 by Barr Limited for the continuation of the winning and working of sand and gravel at Mousewater Sand and Gravel Pit, Cleghorn, by Lanark be granted subject to:-

- ◆ the conditions specified in the Executive Director's report

- ◆ prior conclusion of a revised Restoration Guarantee Bond to cover the full costs of restoring the site
- ◆ prior conclusion of a Section 75 Agreement securing contributions to the South Lanarkshire Rural Communities Trust Fund with the applicant being responsible for meeting the Council's reasonably incurred legal fees in respect of the Section 75 and other related Agreements

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## **12 Urgent Business**

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There were no items of urgent business.